

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

YVETTE PENN,

Plaintiff,

V.

DYNIA & ASSOCIATES, LLC,

Defendant.

**Case No.:**

## COMPLAINT AND DEMAND FOR JURY TRIAL

## (Unlawful Debt Collection Practices)

YVETTE PENN (“Plaintiff”), by and through her attorneys, Kimmel & Silverman, P.C., alleges the following against DYNIA & ASSOCIATES, LLC (“Defendant”):

# INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the State of Maryland, therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person residing in Waldorf, Maryland 20602.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7. Defendant is a corporation with its principal place of business located at 1400 East Touhy Avenue, Suite G2, Des Plaines, Illinois 60018.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

10. At all relevant times, Defendant contacted Plaintiff in its attempt to collect a consumer debt allegedly owed to Bank of America, N.A. in the amount of \$14,399.13.

11. The alleged debt at issue arose out of transactions that were for personal, family, or household purposes as Plaintiff does not have any business debt.

12. Beginning in or around September 2014, Defendant’s collectors placed repeated harassing telephone calls to Plaintiff’s cellular and home telephone numbers in its attempts to collect the alleged debt.

13. Defendant’s calls originated from telephone numbers including, but not limited to, (847) 905-9679. The undersigned has confirmed that this number belongs to Defendant.

14. Defendant’s collectors regularly called Plaintiff on a daily basis.

15. At all relevant times, Plaintiff requested that Defendant stop calling her. Yet, despite Plaintiff’s requests, Defendant’s calls persisted.

16. Once Defendant was aware that Plaintiff did not wish to be called there was no

legitimate reason for additional telephone calls, other than for the purposes of harassment.

17. Defendant's actions in attempting to collect the alleged debt were harassing, abusive, and annoying.

**COUNT I**  
**DEFENDANTS VIOLATED § 1692d OF THE FDCPA**

18. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

19. Defendants violated § 1692d when it placed repeated and continuous harassing collection calls to Plaintiff; and, when it continued to call Plaintiff after being advised that the calls were unwanted.

**COUNT II**  
**DEFENDANTS VIOLATED § 1692d(5) OF THE FDCPA**

20. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

21. Defendants violated § 1692d(5) when it placed repeated collection calls to Plaintiff causing her home and cellular telephones to ring continuously with the intent to annoy, abuse, or harass Plaintiff.

**COUNT III**  
**DEFENDANTS VIOLATED § 1692f OF THE FDCPA**

22. A debt collector violates § 1692f by using unfair or unconscionable means to collect or attempt to collect any debt.

23. Defendants violated § 1692f when harassed Plaintiff regarding the alleged debt; and, generally, when it used unfair and unconscionable means to collect the alleged debt.

WHEREFORE, Plaintiff, YVETTE PENN, respectfully prays for a judgment as follows:

- a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, YVETTE PENN, demands a jury trial in this case.

Respectfully submitted,

DATED: December 24, 2014

By: /s/ Amy L. Bennecoff  
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